

**U.S. Department of the Interior
Bureau of Land Management
San Luis Valley Field Office
46525 Highway 114
Saguache, CO 81212**

CATEGORICAL EXCLUSION

NUMBER: DOI-BLM-CO-F03-2014-008-CX

CASEFILE/PROJECT NUMBER (optional):

PROJECT NAME: Recreation – Special Recreation Permit – Rock Climbing and Mountain Biking in Penitente Canyon Special Recreation Management Area (SRMA)

PLANNING UNIT: San Luis Area #1

LEGAL DESCRIPTION: New Mexico Principal Meridian, Saguache County
T. 42 N., R.6 E., secs. 27 to 29, 34 and 35
T. 41 N., R. 6 E., secs. 2, 3, 10 and 11

APPLICANT: Rocky Mountain Outdoor Center – Salida, CO, Brandon Slate

DESCRIPTION OF PROPOSED ACTION

The Proposed Action is to issue a new Special Recreation Permit (SRP) application for commercially guided rock climbing and mountain biking within the Penitente Canyon SRMA (see map below). Operating duration is requested annually via Annual Itinerary and approved by the authorized officer. RMOC – Salida plans to conduct guided rock climbing and mountain biking activities during the summer months between May 1st through October 15th of each calendar year. The BLM will allow RMOC – Salida a maximum of 40 participants per day. Camping is permitted within the Penitente Canyon Campground. All camping fees and regulations apply.

No authorization is included in the analysis for dispersed camps, staging area, trail constructions, or other forms of concentrated use on BLM Lands. Any proposal for such activities would require a separate analysis.

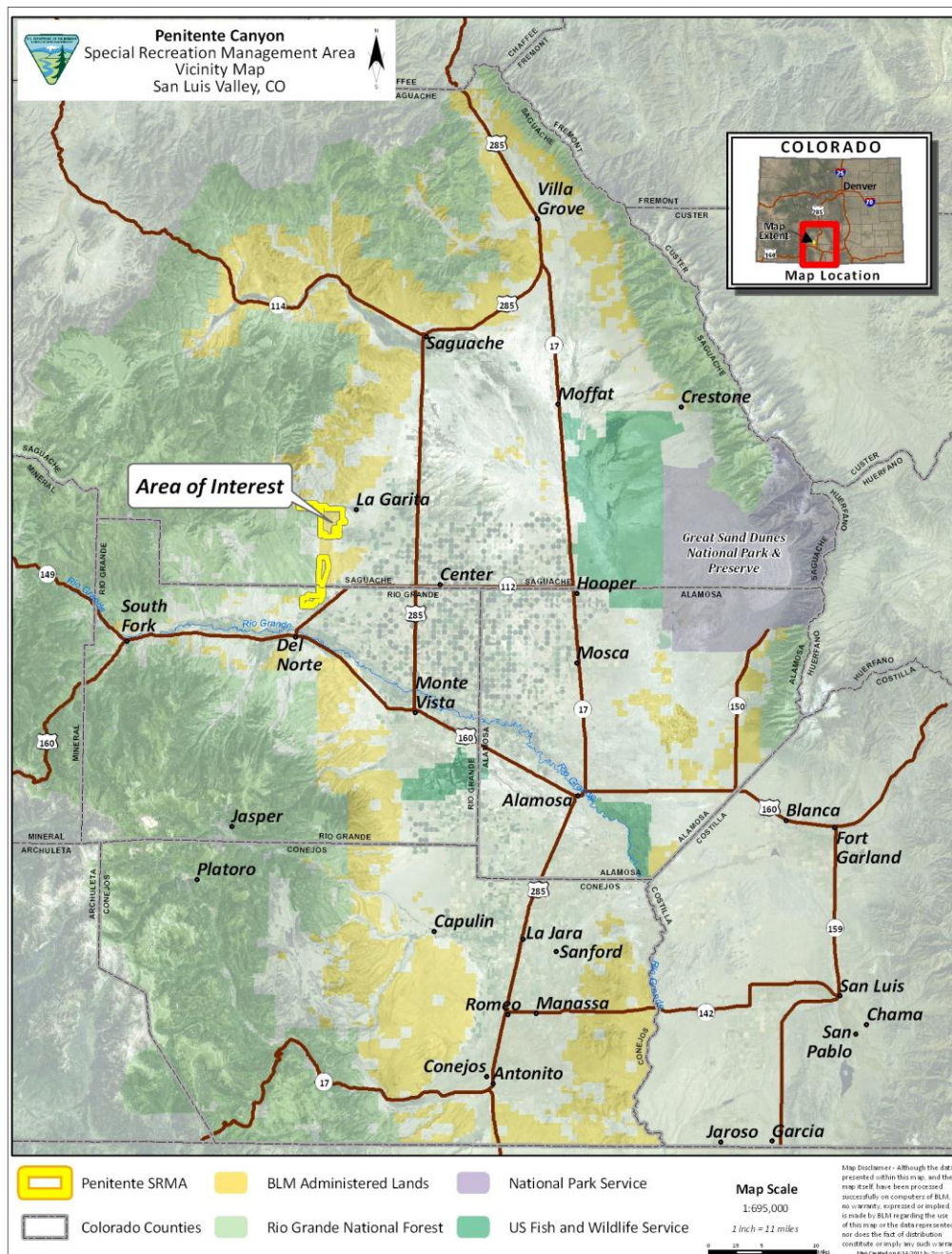
Authority to issue SRP's is found in BLM SRP Handbook H-2930-1 and 43 CFR Part 2930. Issuing an SRP is a discretionary action with final approval by the authorized officer. Applications may be denied based upon factors such as non-compliance with land use plans or designations; a moratorium on permits issued as part of a planning process; the results of an environmental analysis; other resource values; an allocation system; public health and safety concerns; applicant's past performance; or the inability of the managing office to issue, manage, and monitor the proposed use.

Use of BLM public land is non-exclusive. Commercial use, competitive use/events, or organized group use in Penitente SRMA is year-round, unless there is a Special Order to close for resource protection or improvements. The SRMA is subject to seasonal closures based on weather conditions.

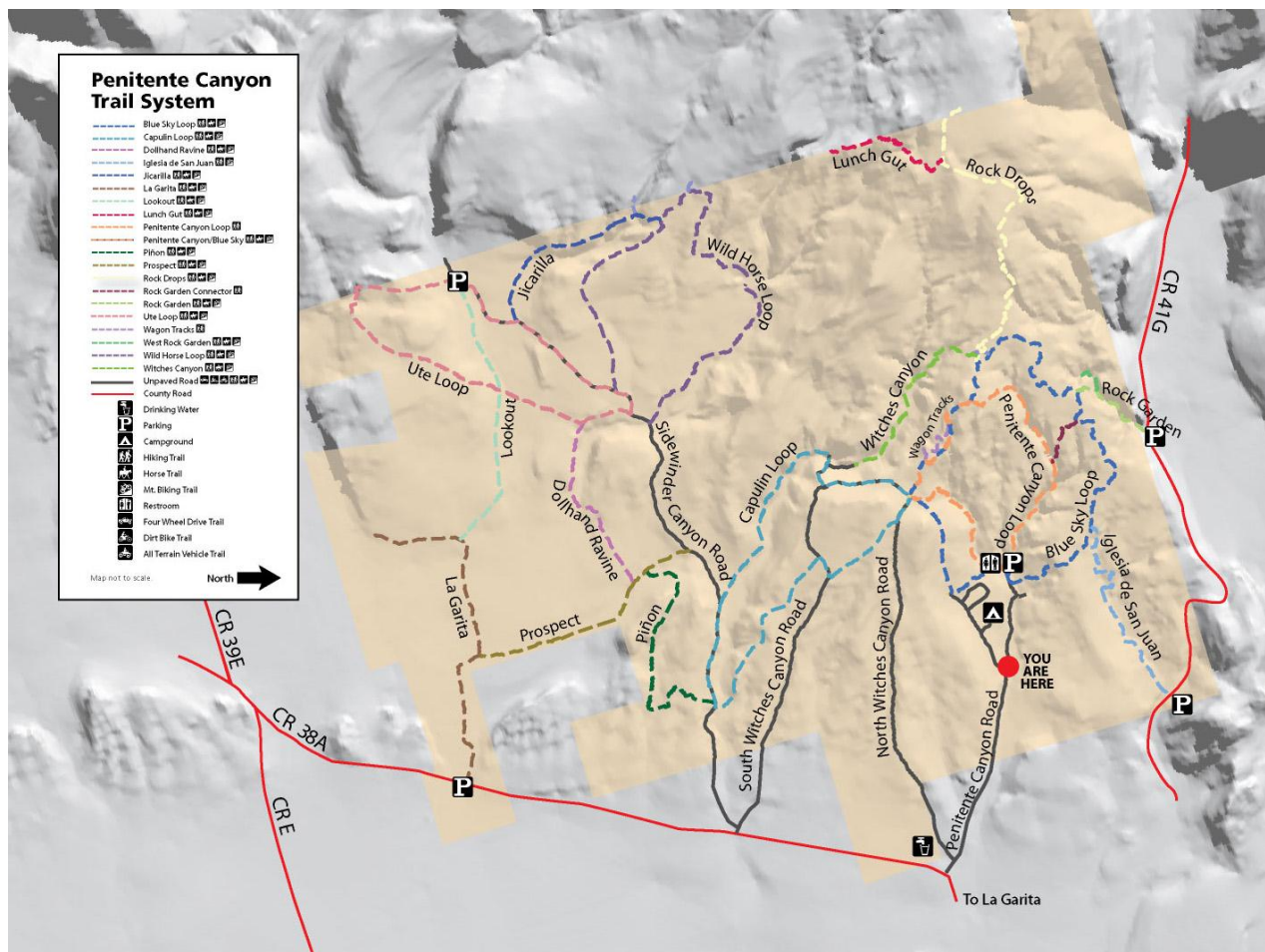
Rock Climbing: The Proposed Action does not allow permitted groups to create new climbing routes. Replacement of existing anchors or bolts on established climbing routes is prohibited unless authorized by the authorized officer for safety and resource protection reasons. Climbers should not in any way deface rock surfaces, should minimize chalk use and brush off heavily chalked holds, and follow Leave No Trace principles.

Mountain Biking: The Proposed Action does not allow the permitted group(s) to create new trails. Do not cut switchbacks. All mountain bikers need to remain on designated mountain biking trails (see trail map below and the designations of each trail), and follow the rules of Stay the Trail to prevent resource damage. Improper bike riding techniques can harm trails and diminish trail experiences for others. Remain in control of your bicycle at all times and remember to share the trail with other users.

Map 1. Penitente Canyon SRMA Overview



Map 2. Penitente Canyon Trail System



PLAN CONFORMANCE REVIEW:

Name of Plan: San Luis Resource Management Plan

Date Approved: December 1991

Decision Number: 1-24

Decision Language: 1-24: To provide special management in areas with significant recreation potential and increased use; e.g., Penitente Canyon, Zapata Falls etc.

CATEGORICAL EXCLUSION REVIEW: This proposed action is listed as a Categorical Exclusion in DOI Departmental Manual Part 516 Chapter 11 H(1). None of the following exceptions in 516 DM 2, Appendix 2, applies.

Exclusion Criteria	YES	NO
1. Have significant impacts on public health or safety.		x

2. Have significant impacts on such natural resources and unique geographic characteristics as historic or cultural resources; park, recreation, or refuge lands; wilderness areas; lands with wilderness characteristics; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands; floodplains; national monuments; migratory birds; and other ecologically significant or critical areas.		x
3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources.		x
4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks.		x
5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects.		x
6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects.		x
7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office.		x
8. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species.		x
9. Violate a Federal law, or a State, local or tribal law or requirement imposed for the protection of the environment.		x
10. Have a disproportionately high and adverse effect on low income or minority populations.		x
11. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites.		x
12. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species.		x

INTERDISCIPLINARY TEAM REVIEW

NAME	TITLE	AREA OF RESPONSIBILITY	Initials/date
Alyssa Radcliff	Wildlife Biologist	Terrestrial Wildlife, T&E, Migratory Birds, Fisheries	ANR 5/8/14
Jeff Williams	Range Management Spec.	Range, Vegetation, Farmland	JW, 5/12/14
Eduardo Duran	NRS	Riparian, T&E species	END 5/14/14
Andrew Archuleta	Geologist	Minerals, Paleontology, Waste Hazardous or Solid	AA 5/7/2014
Negussie Tedela	Hydrologist	Hydrology, Water Quality/Rights, Soils, Air	NT 05/05/14

		Quality	
Sean Hines	Cadastral Surveyor	Cadastral Survey, Management of Land Boundaries	SJH 3/11/14
Sean Noonan	Outdoor Recreation Planner	Recreation, Wilderness, LWCs, Visual, ACEC, W&S Rivers,	STN 3/11/14
Alyssa Radcliff	Wildlife Biologist	Invasive Plants	ANR 5/8/14
Jeff Brown	Archaeologist	Cultural, Native American	JGB 4/16/2014
Leon Montoya	Realty Specialist	Realty	LM 5/7/2014
Brian Garcia	LEO	Law Enforcement	BKG 4/6/2014
Paul Minow	Fuels Specialist	Fuels	PM 4/28/2014

REMARKS: Cultural Resources: As these activities have been previously analyzed and found not to have potential adverse impacts on historic properties and no additional ground disturbing activities are proposed, the only stipulation will be the inclusion of the Discovery and Educational stipulation in the permits.

Cultural Resources: The Penitente Canyon area has a rich history of human use that spans 12,000 years. The canyon has been the locus of prehistoric hunting and likely game drives into the canyon where game was more easily trapped and dispatched. Therefore the potential for a prehistoric hunting tool assemblage is high and warrants an emphasis on the Discovery and Education Stipulation:

Discovery and Education: All persons in the area who are associated with this permit shall be informed that any person who injures, destroys, excavates, appropriates or removes any historic or prehistoric ruin, artifact, object of antiquity, Native American remains, Native American cultural item, or archaeological resources on public lands is subject to arrest and penalty of law (16 USC 433, 16 USC 470, 18 USC 641, 18 USC 1170, and 18 USC 1361). Strict adherence to the confidentiality of information concerning the nature and location of archeological resources would be required of the proponent and all of their subcontractors (Archaeological Resource Protection Act, 16 U.S.C. 470hh). If new cultural values are discovered during operations, all work in the vicinity of the resource will cease and the Authorized Officer with the BLM notified immediately. The operator shall take any additional measures requested by the BLM to protect discoveries until they can be adequately evaluated by the permitted archaeologist. Within 48 hours of the discovery, the SHPO and consulting parties will be notified of the discovery and consultation will begin to determine an appropriate mitigation measure. BLM in cooperation with the operator will ensure that the discovery is protected from further disturbance until mitigation is completed. Operations may resume at the discovery site upon receipt of written instructions and authorization by the authorized officer.

Pursuant to 43 CFR 10.4(g), the holder must notify the authorized officer, by telephone, with written confirmation, immediately upon the discovery of human remains, funerary items, sacred objects, or objects of cultural patrimony on federal land. Further, pursuant to 43 CFR 10.4 (c) and (d), the holder must stop activities in the vicinity of the discovery that could adversely affect the discovery. The holder shall make a reasonable effort to protect the human remains, funerary items, sacred objects, or objects of cultural patrimony for a period of thirty days after written notice is provided to the authorized officer, or until the authorized officer has issued a written notice to proceed, whichever occurs first.

Native American Religious Concerns: The Ute, Jicarilla Apache, Ancestral Puebloan and Navajo claim affinity to the San Luis Valley as a whole and Penitente Canyon specifically. The rock art in the canyon is sacred to these tribes and warrants constant monitoring and protection.

Threatened and Endangered Species: All persons who are associated with this permit shall check climbing routes for nesting birds during May 1st through August 30th prior to climbing. If nesting bird is found near or along route, persons shall utilize another route. Also, all persons who are associated with this permit shall not damage or remove any vegetation, including cleaning moss or lichens along climbing routes or on top of climbing routes.

COMPLIANCE PLAN (optional):

NAME OF PREPARER: Heather Salaz

NAME OF ENVIRONMENTAL COORDINATOR: /s/ Martin Weimer

DATE: 5/16/14

DECISION AND RATIONALE: I have reviewed this Categorical Exclusion and have decided to implement the Proposed Action.

This action is listed in the Department Manual as an action that may be categorically excluded. I have evaluated the action relative to the 10 criteria listed above and have determined that it does not represent an exception and is, therefore, categorically excluded from further environmental analysis.

SIGNATURE OF AUTHORIZED OFFICIAL: /s/ Andrew Archuleta
Andrew Archuleta, Field Manager

DATE SIGNED: 5/23/2014